

<p>Attorney or Party Name, Address, Telephone & FAX Numbers, State Bar Number & Email Address</p> <p>Andrew Bisom - SBN - 137071 BISOM LAW GROUP 300 Spectrum Center Drive, Ste. 1575 Irvine, CA 92618 714-643-8900 714-643-8901 (Fax) abisom@bisomlaw.com</p> <p><input type="checkbox"/> Debtor appearing without attorney <input checked="" type="checkbox"/> Attorney for: Movant</p>	<p>FOR COURT USE ONLY</p> <div data-bbox="1049 264 1432 533" style="border: 1px solid black; padding: 10px; text-align: center;"><p>FILED & ENTERED</p><p>NOV 08 2021</p><p>CLERK U.S. BANKRUPTCY COURT Central District of California BY bolte DEPUTY CLERK</p></div>
<p>UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA – SANTA ANA DIVISION</p>	
<p>In re:</p> <p>MAX KUSNETZ,</p> <p style="text-align: right;">Debtor(s).</p>	<p>CASE NUMBER: 8:21-bk-10754-SC CHAPTER: 7</p>
	<p style="text-align: center;">ORDER <input checked="" type="checkbox"/> GRANTING <input type="checkbox"/> DENYING DEBTOR'S MOTION TO AVOID LIEN UNDER 11 U.S.C. § 522(f) AND, IF APPLICABLE, FOR TURNOVER OF PERSONAL PROPERTY</p> <p><input checked="" type="checkbox"/> No hearing held <input type="checkbox"/> Hearing held</p> <p>DATE: TIME: COURTROOM: ADDRESS:</p>
<p>Creditor Holding Lien to be Avoided (name): GREG HENKE</p>	

The Motion was: ☐ Opposed ☒ Unopposed ☐ Settled by stipulation

Pursuant to 11 U.S.C. § 522(f) and LBR 9013-1(o), Debtor moved to avoid lien(s) on personal property claimed to be exempt, with respect to Creditor. The court finds and orders as follows:

1. ☒ Notice of this motion complied with LBR 9013-1(d).


*"Bankruptcy Code" and "11 U.S.C." refer to the United States Bankruptcy Code, Title 11 of the United States Code.
"FRBP" refers to the Federal Rules of Bankruptcy Procedure. "LBR" and "LBRs" refer to the Local Bankruptcy Rule(s) of this court.*

This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

2. ☒ Notice of this Motion complied with LBR 9013-1(o).
- a. ☒ There was no opposition and request for hearing.
- b. ☐ Hearing requested and held as indicated in the caption.
3. Motion is granted as set forth in the **Attachment** to this order.
4. Motion is denied on the following grounds: ☐ With Prejudice ☐ Without Prejudice
- a. ☐ Insufficient notice
- b. ☐ Failure to comply with FRBP 7004(b)(3) and California Code of Civil Procedure § 416.10 for corporations
- c. ☐ Failure to comply with FRBP 7004(h).
- d. ☐ Insufficient evidence of the exempt status of the property in question
- e. ☐ Other (*specify*):
5. ☐ The court further orders as follows (*specify*):
- ☐ See attached page

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Date: November 8, 2021


Scott C. Clarkson
United States Bankruptcy Judge

ATTACHMENT TO MOTION/ORDER
(11 U.S.C. § 522(f): AVOIDANCE OF NON-POSSESSORY, NONPURCHASE-
MONEY LIENS, OR JUDICIAL LIENS, ON PERSONAL PROPERTY)

This court makes the following findings of fact and conclusions of law:

1. **Creditor Lienholder/Servicer:** GREG HENKE.
2. **Subject Lien:** Date (*specify*): 1/11/2021 and place (*specify*): Orange County Clerk-Recorder's Office of lien (if applicable); Recording information (if applicable): 2021000019098.
3. **Collateral description:** 4801 Red Bluff Circle, Irvine, CA 92604; Legal description: N-Tract 7063 Block Lot 37.
☐ See attached page.

4. **Secured Claim Amount**

- a. Value of Collateral: \$1,100,000
- b. Amounts of Senior Liens (reducing equity in the property to which the Subject Lien can attach):
- (1) First lien: (\$616,070)
- (2) Second lien: (\$306,572)
- (3) Third lien: (\$.....)
- (4) Additional senior liens (*attach list*): (\$.....)
- c. Amount of Debtor's exemption(s): (\$177,538)
- d. Subtotal: (\$1,100,000)
- e. Secured Claim Amount (negative results should be listed as -\$0-): \$0

Unless otherwise ordered, any allowed claim in excess of this Secured Claim Amount is to be treated as a nonpriority unsecured claim and is to be paid pro rata with all other nonpriority unsecured claims (in Chapter 13 cases, Class 5A of the Plan).

5. **Lien avoidance:** Debtor's Request to avoid Creditor's lien is granted as follows.

- a. ☐ The Subject Lien is a nonpossessory, non-purchase money security interest in one or more of the types of personal property listed in 11 U.S.C. § 522(f)(1)(B)(i), (ii), or (iii), and the fixing of that lien impairs Debtor's exemption(s).
- b. ☒ The Subject Lien is a judicial lien, other than a judicial lien that secures a debt of a kind that is specified in 11 U.S.C. § 523(a)(5) (domestic support obligations), and the fixing of that lien impairs Debtor's exemption(s).
- c. The Subject Lien is void and unenforceable except to the extent of the Secured Claim Amount, if any, listed in paragraph 4.e. above.

6. **Other provisions:**

- a. ☐ Turnover of the Collateral by Creditor is required under 11 U.S.C. §§ 542 or 543.
- b. ☐ The court further orders as follows (*specify*):

☐ See attached page(s) for more liens/provisions.